

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 2, 5-6, 8-10, 12 and 15-20 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

Claims 11 and 12-20 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0072027, issued to Haines, et al. (hereinafter, Haines). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

CLAIM REJECTIONS UNDER 35 USC § 101

Claims 11-20 were rejected under 35 U.S.C.101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner states the following in page 2 of the Office Action:

Even through the body of the claim may sound like it has structural elements, **the preamble recites a type of software programs that only for storing in the media, which is a non-functional descriptive material (see MPEP 2106).** Therefore, claim 11 recites a non-statutory subject matter. Claims 12-20 are depended on claim 11, which is a non-statutory claim, thus they are rejected with the same rationale applied against claim 11 above.

The Applicant respectfully disagrees. The Examiner is referred to the following citation from the MPEP:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, **"functional descriptive material" consists of data structures and computer programs which impart functionality**

when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) **"Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data.**

See Manual of Patent Examining Procedure (MPEP), Chapter 2100.6. The Applicant points out that the descriptive material in the preamble of claim 11 is not related to "music, literary works, and a compilation or mere arrangement of data." Instead, the Applicant submits that the descriptive material in the preamble of claim 11 is related to "computer programs which impart functionality when employed as a computer component." In other words, the material in the preamble of claim 11 is "functional descriptive material." The Examiner is also referred to the following MPEP citation for support:

When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

See *id.* The Applicant, therefore, submits that the material in the preamble of claim 11 is functional descriptive material, which is also statutory, as per the above MPEP guidelines. The Applicant submits that claims 11-20 are directed to statutory subject matter, and that the rejection of claims 11-20 under 35 USC § 101 should be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

I. Haines Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Haines. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See id. (internal citation omitted).

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Haines does not disclose or suggest at least the limitation of "detecting when a legacy media peripheral is connected to at least one of a PC and a media processing system on the distributed media network," as recited by the Applicant in independent claim 1.

The Office Action states the following:

Haines teaches a method for secure access and communication of information in a distributed media network, the method comprising:

(1) detecting when a legacy media peripheral is connected to at least one of a PC and a media processing system on the distributed media network (see Figure 1 and page 2, paragraph 0019 of Haines);

See the Office Action at page 3. The Examiner relies on Figure 1 and paragraph 0019 of Haines. Haines discloses the following in paragraph 0019:

FIG. 1 is a simplified block diagram of a computer network 10 including a computer 12 and a hard copy output engine 14, in accordance with an embodiment of the present invention. The computer 12 is coupled to the hard copy output engine 14 via a bus 16 allowing either the computer 12 or the hard copy output engine 14 to initiate data communications with the other. In one embodiment, *the hard copy output engine 14 is a device such as a printer, copier, facsimile machine or a multifunction device capable of providing two or more such functions.* It will be appreciated that while FIG. 1 illustrates only a single computer 12 and a single peripheral device 14 for ease of illustration and convenience in understanding, multiple computers 12 and peripheral devices 14 may all be coupled to the bus 16.

See Haines, page 2, paragraph 0019. Haines discloses that element 14 is a hard copy output engine, such as a printer, copier, a facsimile, or a combination of the three. In this regard, Haines does not disclose or suggest that **the hard copy output engine 14 is a legacy media peripheral**, as recited in Applicant's claim 1. Haines also discloses that "the computer 12 is coupled to the hard copy output engine 14 via a bus 16 allowing either the computer 12 or the hard copy output engine 14 to initiate data communications with the other." *See id.* Therefore, **Haines also does not disclose or suggest that there is any "detecting"** of whether the hard copy output engine 14 is connected to the

computer 12. In addition, **Haines does not disclose that the computer 12, or the hard copy output engine 14, is connected to a distributed media network.** Therefore, the Applicant maintains that Haines does not disclose or suggest at least the limitation of "detecting when a legacy media peripheral is connected to at least one of a PC and a media processing system on the distributed media network," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Haines does not disclose or suggest at least the limitation of "establishing at least one identifier associated with said legacy media peripheral," as recited by the Applicant in independent claim 1.

The Office Action states the following:

Haines teaches a method for secure access and communication of information in a distributed media network, the method comprising:

...

(2) establishing at least one identifier associated with said legacy media peripheral (page 1, paragraph 0009 of Haines); and

See the Office Action at page 3. The Examiner relies on paragraph 0009 of Haines. Haines discloses the following in paragraph 0009:

In accordance with another aspect of the present invention, an article of manufacture includes a computer usable medium having computer readable code embodied therein. The computer readable code is configured to cause a processor to determine that a status change has occurred in the peripheral device, *combine a unique*

device identifier relevant to the peripheral device with the status change to form an electronic message and transmit the electronic message from an embedded web server contained in the peripheral device across a firewall.

See Haines, page 1, paragraph 0009. At the above citation, Haines only discloses that a "unique device identifier" is combined with a status change to form an electronic message. Haines does not disclose or suggest the process of "establishing" an identifier associated with a legacy media peripheral. The Applicant, therefore, maintains that Haines does not disclose or suggest at least the limitation of "establishing at least one identifier associated with said legacy media peripheral," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Haines does not disclose or suggest at least the limitation of "utilizing said established at least one identifier to facilitate communication of said legacy media peripheral over the distributed media network," as recited by the Applicant in independent claim 1.

The Office Action states the following:

Haines teaches a method for secure access and communication of information in a distributed media network, the method comprising:

...

(3) utilizing said established at least one identifier to facilitate communication of said legacy media peripheral over the distributed media network (page 1, paragraph 0008 of Haines).

See the Office Action at page 3. The Examiner relies on paragraph 0008 of Haines. Haines discloses the following in paragraph 0008:

In accordance with an aspect of the present invention, a method of responding to a status change for a peripheral device includes determining that a status change has occurred in the peripheral device, combining a unique device identifier relevant to the peripheral device with the status change to form an electronic message and transmitting the electronic message from an embedded web server contained in the peripheral device across a firewall.

See Haines, page 1, paragraph 0008. At the above citation, Haines only discloses that a "unique device identifier" is combined with a status change to form an electronic message. **Haines does not disclose or suggest the use of an established legacy media peripheral identifier to facilitate communication of the legacy media peripheral over a distributed media network**, as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Haines and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Haines has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20 and 22-31 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20 and 22-31.

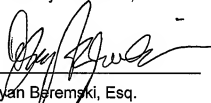
CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,



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